

1 **BY AUTHORITY**

2 RESOLUTION NO. CR21-1477
3 SERIES OF 2021

COMMITTEE OF REFERENCE:
Finance & Governance

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5
6 **A RESOLUTION**
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9 **Levying upon all taxable property within the City and County of Denver taxes**
10 **for the year 2021, to be collected in 2022, for purposes authorized by law.**
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13 **WHEREAS**, §§ 7.4.1 and 7.4.2 of the Charter require the City Council to annually levy ad
14 valorem property taxes in the City and County of Denver, including property taxes necessary to
15 pay general obligation debt service; and

16 **WHEREAS**, between tax years 1992 and 2012, annual increases in revenue derived from
17 four components of the City’s mill levy—General Fund, Human Services, Police Pension, Fire
18 Pension (the “affected funds”)—were constrained by the property tax revenue limitations set forth
19 in Article X, Section 20 of the Colorado Constitution (TABOR); and

20 **WHEREAS**, in order to comply with the TABOR property tax revenue limitation prior to
21 2012, the City adopted temporary property tax credits on a year-to-year basis as authorized by §
22 39-1-111.5, C.R.S.; and

23 **WHEREAS**, on November 6, 2012, Denver voters approved a measure permanently
24 authorizing the City to exceed the TABOR property tax revenue limitation; requiring instead that
25 Denver comply with an annual city property tax revenue limitation as codified in § 20-26,
26 D.R.M.C.; and allowing the City to continue to adjust the temporary property tax credits on a
27 year-to-year basis to the extent necessary to comply with the city property tax revenue limitation;
28 and

29 **WHEREAS**, the Chief Financial Officer has estimated that the city property tax revenue
30 limitation would allow the total property tax revenue for the affected funds to total up to
31 \$342,625,932 in 2022, and that the levies set forth in this resolution will cause the revenue in the
32 affected funds to total less than this amount, thus complying with the limitation; and

33 **WHEREAS**, 0.034 mills are transferring from the Social Services Fund to the General
34 Fund in 2021 to fund costs that are transferring from Human Services to the General Fund; and

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WHEREAS, pursuant to voter approvals occurring in 2003 and 2007 respectively, the City is authorized to impose dedicated property tax levies for services to the developmentally disabled and for capital maintenance, the revenue from which is entirely exempted from the TABOR property tax revenue limitation and the city property tax revenue limitation; and

WHEREAS, § 39-10-114(1)(a)(1)(B), C.R.S., permits any taxing entity to adjust its property tax levy by an amount which does not exceed its prorated share of abatements and refunds of taxes erroneously or illegally assessed or collected in the previous years; and

WHEREAS, the City and County of Denver has determined that Denver’s proportional share of abatements and refunds granted in the previous year totals \$5,109,703 to be apportioned as set forth in this resolution.

NOW, THEREFORE, BE IT RESOVED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:

Section 1. That the rate of City property taxation for the affected funds is calculated as follows:

	2020 Property Tax Levy Base	2021 Property Tax Levy Base	2021 Abatements & Refunds Levy	2021 Net Mill Levy
General Fund	9.631	9.665	0.155	9.820
Social Services	2.596	2.562	0.024	2.586
Fire Pension	1.029	1.029	0.010	1.039
Police Pension	1.227	1.227	0.011	1.238
Affordable Housing	0.412	0.412	0.003	0.415
Total	14.895	14.895	0.203	15.098

1 **Section 2.** That the rate of City property taxation for voter-approved levies is calculated as
 2 follows:
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	Voter-Approved <u>Mill Levy</u>	2021 Abatements & <u>Refunds</u>	2021 Net Mill <u>Levy</u>
Developmentally Disabled	1.000	0.009	1.009
Capital Maintenance	2.500	0.013	2.513
Total	3.500	0.022	3.522

4 **Section 3.** That the rate of taxation for general obligation debt service is calculated as
 5 follows:
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	2021 <u>Net Mill Levy</u>
Sinking/Bond Principal	5.500
Bonded Indebtedness Interest	1.000
Total	6.500

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 8 **Section 4.** That there be and is hereby levied for the year 2021 collectible in 2022 upon all
 9 taxable property, real, personal, and mixed, within the City and County of Denver the taxes in mills,
 10 for each dollar of assessed valuation, set forth in the following tabulation, pursuant to which the
 11 proceeds of the several levies listed under the heading "City and County of Denver" are to be paid
 12 into the respective funds named:

FUND	TAX LEVY
City and County of Denver:	
General Fund	9.820
Social Services	2.586
Developmentally Disabled	1.009
Fire Pension	1.039
Police Pension	1.238
Sinking (Bond Principal)	5.500
Bonded Indebtedness Interest	1.000
Capital Maintenance	2.513
Affordable Housing	0.415
TOTAL	25.120

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1 **Section 5.** If any part, section, or subsection of this resolution levying taxes shall be held to
2 be illegal or unconstitutional, the validity or constitutionality of the remaining parts, sections, or
3 subsections of this ordinance shall not be affected. The Council hereby declares that it would have
4 passed the remaining parts, sections, or subsections if it had known that other parts, sections, or
5 subsections would be illegal or unconstitutional.

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7 THIS RESOLUTION ESTABLISHES THE CITY’S MILL LEVY AND IS REQUIRED BY LAW IN
8 ORDER TO IMPLEMENT THE CITY’S ANNUAL BUDGET AS ADOPTED BY CITY COUNCIL.
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10 COMMITTEE APPROVAL DATE: December 7, 2021 by Consent

11 MAYOR/COUNCIL DATE: December 14, 2021

12 PASSED BY THE COUNCIL _____

13 _____ - PRESIDENT

14 ATTEST: _____ - CLERK AND RECORDER,
15 EX-OFFICIO CLERK OF THE
16 CITY AND COUNTY OF DENVER

17 PREPARED BY: Alyson Gawlikowski and Nikki McCabe, Budget and Management
18 December 16, 2021.

19 Pursuant to section 13-12, D.R.M.C., this proposed resolution has been reviewed by the office of
20 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
21 resolution. The proposed resolution is not submitted to the City Council for approval pursuant to
22 § 3.2.6 of the Charter.

23 Kristin M. Bronson, Denver City Attorney

24 BY: Jonathan Griffin, Assistant City Attorney, DATE: Dec 15, 2021